

[15th February 1958]

4-50
p.m.(4) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1958
(L.A. BILL NO. 2 OF 1958).

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, I move—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 Dr. V. K. John,
- 2 Sri Mohamed Raza Khan,
- 3 Sri John Asirvatham,
- 4 Sri K. V. Ramaswamy,
- 5 Srimathi Jothi Vencatachellum,
- 6 Srimathi Saraswathy Pandurangam,
- 7 Sri A. Subramanyam,
- 8 Sri M. Ethirajalu.”

Sir, the Government have had under consideration for some years past the question of amending the Madras Prohibition Act, 1957, with a view to providing for more effective enforcement of the provisions of the Act and also to removing difficulties experienced in the administration of the Act. Some of the more important provisions of the Bill seek—

(a) to make non-bailable certain offences like importing, exporting, manufacturing of liquors or intoxicating drugs, or rendering fit for human consumption any spirit, etc.;

(b) to provide for both imprisonment and fine, enhanced punishment in certain cases and also a minimum punishment for certain offences;

(c) to control and regulate molasses which forms the largest and most important base used in illicit distillation;

(d) to include in the Prohibition Act a reference to the provisions of section 15 of the Police Act, 1861, relating to the stationing of punitive police and levy of collective fines so that the inhabitants of any area may be cautioned against the commission, abetting, etc., of Prohibition offences, etc.; and

(e) to provide for obtaining of security bonds from convicted persons for abstaining from the commission of similar offences in future.

Sir, I believe that so far as this piece of legislation is concerned, there can be no controversy over the main features of the Bill which is to be referred to a Joint Select Committee. If I am not

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misunderstood, I wish to say that the other day the other House passed this motion without any discussion at all. Not that I suggest that hon. Members should not indulge in any discussion at all but I do hope that this motion will have an easy passage.

MR. CHAIRMAN : Motion moved—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 Dr. V. K. John,
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* DR. V. K. JOHN : Mr. Chairman, Sir, at the outset, let me say that I am not speaking on behalf of my party but I am speaking on my own behalf. Although Prohibition could be implemented and it is a good thing for the people, I personally consider that the time has come for re-examining this question of Prohibition in many parts of the country and particularly in the Madras State. We have had Prohibition for many years now. The other day my hon. Friend Mr. Balasubramanya Ayyar pointed out that there was hardly any public co-operation in enforcing Prohibition. I myself have been a Member of the Prohibition Committee convened by the Collector of Madras and the other day I was told at the meeting of that Committee that there were about 5,000 people in the City who committed Prohibition offences, that the same people went to jail and came out of it again and again and that there were hardly any newcomers. I suggested that a sub-committee of three persons be formed and that that committee should visit these people in the jail and find out why they were committing these offences. This was agreed to and I understand the Collector wrote to the Government and got permission for that purpose. Therefore, Sir, I feel that a committee should investigate into this matter and find out why Prohibition is a failure and whether the remedy lies in enforcing it more strictly or in something else. Now, I am told by many people that those who are engaged in illicit distillation—which has become a cottage industry now—escape being prosecuted or punished. They have got their agents, poor persons with large families, who are put forward as offenders, convicted and sent

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to jail. I think it is high time that a Committee or Commission were appointed to go into the whole question, and legislation should come later on.

Sir, the Ramamurthi Committee has reported that Prohibition has ceased to prohibit persons from drinking and that illicit distillation has become a cottage industry. Sir, we must make a distinction between drinking and being drunk and those who are engaged in illicit distillation. I am strongly of the opinion that we must do everything possible to prevent bad stuff being manufactured and sold. But I am not quite sure whether we must prevent all drinking. We cannot impose certain virtues or certain things which we consider to be virtues by legislation. Public opinion must be behind it. This has been experimented in many places and it has been a failure and it has led to demoralization. Man wants to drink and the Government say, 'Do not drink'. Man wants to smoke and the Government say, 'Do not smoke'. Then, he tries to evade the law. After all, in drinking toddy, there is nothing wrong if it is not drunk in excess. It gives Vitamin B and that is what doctors say. (An hon. Member: How can we prevent excessive drinking?) We are accustomed to rationing and we can ration the quantity of drinks to be served. In England, I understand, the problem is solved by diluting liquor. There the people gather in clubs and drink. All over the world is there any country where the longevity is very high? After all, our longevity is 26 years. Also, is there any country in Europe or in other parts of the world including America where there is total Prohibition? The Government must consider the merits of total Prohibition and partial Prohibition. Partial Prohibition may achieve the object which we have in view, viz., prevention of drunkenness. But total Prohibition may lead to demoralization . . .

SRI A. M. ALLAPICHAJ: Why does the hon. Member want to control even excessive drinking and why should not a citizen be allowed to drink as he pleases?

* DR. V. K. JOHN: I can understand it. We should not interfere with the private freedom of the individual unless that freedom is exercised against the security or interest of the State or his own interest. If a person is allowed to drink in excess, it is not in his interest and the State can interfere. If it is not in excess, in my opinion, the Government ought not to interfere.

5.00 p.m. Now, I come to another point. Have we a consistent policy in the matter of Prohibition? Sir, even in the capital City of Delhi, there is no Prohibition. In Hyderabad, there is no Prohibition. In Bangalore, there is no Prohibition. So also in certain other States there is no Prohibition. Sir, when the Bill to exempt members of the fighting forces including the Navy and the Army from the Prohibition Act was before this House, the Hon. Minister concerned in reply to my question said that the directive came from the Centre. So, there is no consistency in the policy of the Government. We have given it a trial—I do not call it fad—and

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it is high time that we re-examined the whole matter. I think excessive drinking is bad. At the same time, have we been able to prevent illicit distillation? Had we so much illicit distillation at the time when there was no Prohibition? Had we so much drunkenness? I do not think we had any such thing. The point is that the Government should not be obstinate in respect of this matter and that they should appoint a Committee like the Ramamurthi Committee to examine the whole matter. The Ramamurthi Committee went to various places and took evidence. Sir, in Salem in one hour's notice, we can get any quantity of drinks. Therefore, I feel that instead of trying to pass this legislation, to enforce Prohibition more strictly, the whole question should be thoroughly examined. I say that this policy which we have adopted should be re-examined to see whether it has succeeded or whether it will succeed. I personally think that such an investigation, an overall investigation should precede any legislation. Therefore, I am against this legislation being introduced without an exhaustive enquiry by a committee appointed by the Government to go into this matter. In this connexion, we may also make use of the recommendations of the Ramamurthi Committee on which there were High Court Judges also. They recommended that Prohibition should be scrapped. Let us go into a Committee and see whether we have been successful. We have an objective in view. Let us see whether we have achieved that. Let us see whether we are going to do something which will be further defeating the objective which all of us have in view. The Government may now consider the question of appointing a committee to go into the matter and the committee touring all round, every district, may examine Police officers and people engaged in illicit distillation and find out why this is done and whether it can be prevented. Why do people take to illicit distillation? I personally think that it is impossible to enforce a virtue by any legislation.

* SRI A. M. ALLAPICHAJ : Mr. Chairman, Sir, if Dr. John had not spoken, perhaps, I would not have risen to speak. (Sri Mohamed Raza Khan : He provoked you to speak.) Now, Sir, it has almost become a fashion to say with reference to this, that 'Prohibition has failed'. Sir, it is a very wrong statement of fact. While admitting everyone of the arguments advanced by the hon. Member there, I still maintain, with all the emphasis at my command, that Prohibition has not failed.

Sir, at the time when Prohibition was introduced, the whole Harijan community was addicted to drinking—not merely the Harijan community, but other communities and all labourers also, and the number of people drinking ran into lakhs. There is no doubt about that. Well, I have no figures, but nobody would dispute the fact. Formerly, the Government were getting a large revenue by way of taxation on toddy. I am not aware of the exact amount; perhaps, it was Rs. 18 or 20 crores. (Sri Mohamed Raza Khan : Rs. 12 crores in 1947.) Well, that is a big amount. If that sum of Rs. 12 crores is multiplied by 5 or 6, we can understand what

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that means. Many of our poor people were wasting their money upon this drinking formerly. Therefore, there is no use of saying anything against Prohibition. But now our friends say that Prohibition has failed. It has almost become a fashion to say like that. But big people and leaders like the hon. Member Dr. John and some other leaders should realize the effect of it on the public when they talk in this fashion. People outside would feel that there is nothing wrong in drinking, that the Government have come forward with some kind of unnecessary legislation, and that the Government are engaging themselves in stupid and foolish things. Thus their talks become an indirect encouragement to the people. Of course, it is a fact that there is too much of illicit distillation.

As a criminal lawyer, I know (laughter) that there are a large number of cases in every Court. That frightens the people. A large number means this. It may be about 100 or 200 and if you collect all the cases in Court, the number may not exceed a few thousands. But when compared to lakhs and lakhs of people who were drinking before Prohibition, this is nothing. This is also due—the Government will please excuse me—to the fact that these things bring some money, quick money to the people. If they invest about five or ten rupees, they would get about Rs. 30 a day. The people in charge of controlling it also get a few rupees. If some people say that Prohibition has failed, it is because certain of our own servants do not do their job properly and this is particularly the case with our Police Department. Some offences like murder do not often take place, because people commit murder in an impulse, in a moment of weakness and, therefore, they are few and far between. But offences like pick-pocketing, where there is some gain, occur often. Even if the culprit is punished a hundred times, he will go on committing the offence. In all sorts of places, people are engaged in illicit distillation. Why? Because there are all kinds of mamools and people making Rs. 30 or Rs. 40 a day pay some fixed amount to the authorities, thus evading arrest and other such things. Even if higher authorities were to go there, they get advance information and prepare themselves to avoid them. Therefore, I say if there is failure, that it is due to some of our Police servants who are not doing their job properly.

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There is another thing. When an old man or old woman is caught and punished, is it not possible for the Police to know from that person all about illicit distillation in that area? (Interruption.) Well, it is being done now. Through these people, it is possible for the Police to find out the real culprit. If the Police make it clear to these people that this is an offence, it will stop in a day. There is no doubt about that.

My friend says that there are drink addicts. Somehow or other, we really sympathise with them. But there is one thing. The future generation is completely saved.

DR. V. K. JOHN : What about the future generation in other parts of the world?

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* SRI A. M. ALLAPICHAI : How are we bothered about what America does?

DR. V. K. JOHN : What about Delhi?

* SRI A. M. ALLAPICHAI : Even supposing Delhi has no Prohibition, how are we bothered about it? We will have Prohibition all over in due time. The one thing is that the future generation is saved. We do not know that some of our poorest people have got jewels. The poor rickshawallahs, who never used to have money in their pockets, now have money. They have their own rickshaws. They put on decent clothing. It was easy to get votes from these men previously. Now these people have begun to talk politics. They are able to know the good and bad points of the parties.

DR. V. K. JOHN : Is it because they do not drink?

* SRI A. M. ALLAPICHAI : Surely, Sir. It is because they do not drink. When once they drink, they become a degraded set of people. If our people without education and without proper training and without the other necessary things, take one or two glasses of toddy, all evil things will come up.

DR. V. K. JOHN : Has the hon. Member tried it? (Laughter.)

* SRI A. M. ALLAPICHAI : What are these questions, Sir? (Laughter.) I have not tried it. I shall never try it. (The Hon. Sri R. Venkataraman : Please do not start confessing.) Sir, the Police people must be firm. They must discover the people who really do it and not the people whom they use for making money.

Sir, I have spoken all that I wanted to speak. I say that Prohibition has not failed. It is very nicely succeeding in spite of all that has been said by friends like Dr. John. He is giving some kind of indirect encouragement to anti-social fellows. So, we must be very careful when we pass Bills like this.

* SRI K. BALASUBRAMANYA AYYAR : Sir, I do not want to speak for long. I feel that Prohibition has benefited the poor. I say this from my experience with a large number of servants working in our farms. Especially the women have been greatly benefited. Women now feel that they are able to get money. Formerly they were not getting it. All the wages the men got formerly went straight into the toddy shop. Everyone was getting Rs. 1-8-0 or Rs. 1-4-0 per day, and the whole of this money went into the toddy shop. The rich and the educated men and the people in the towns might be responsible for many things, but Prohibition has actually benefited the poor. It is only for the sake of the poor that the Hon. Sri M. Bhaktavatsalam is tightening this measure. I can testify to the fact that all our farm labourers are benefited by this legislation. Formerly I used to apply for licences on their behalf for toddy in our village, because without drink they would not work. Therefore, then we encouraged drinking. That is a

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fact. The mirasdars encouraged drinking by these labourers. But then the women were suffering. All the earnings of the men went to the toddy shop. Let us not be selfish and let us not think that drink is good. Dr. John asked, 'Why not toddy?' Toddy is not so injurious as wine, but the difficulty is that the whole earnings of the men go to the toddy shop. The drink, of course, produces some kind of exhilaration. I cannot say that it does not produce it. I have seen men dancing after a full dose of drink. We cannot deny this. But the difficulty here is that the amount is fully utilized for purchasing toddy. The womenfolk can have no money with them. That is why Sri C. Rajagopalachari brought in this Prohibition then. I repeat that this reform has helped the poor. In Bangalore and Pondicherry there is no Prohibition, and people go there to drink. How to prevent this? I hope the Government will examine how to prevent this. I cannot give any advice to Government. It is a matter which has to be enquired into by the Government. Every Friday people go to Pondicherry and Bangalore for drink. They return on Monday quite fresh! There is this difficulty to overcome. How to prevent smuggling of liquor? This is another difficulty. Then there is the illicit distillation. Dr. John asked, 'What is the harm in drinking toddy?' The difficulty is that all the money earned by the men go to the toddy shop. That is why people in all places want Prohibition. The difficulty in making Prohibition a success is this. In Bangalore and Pondicherry there is no Prohibition, and people smuggle large bottles of wine in motor cars, which are sometimes seized by the Police. Doctors also must be very careful, because the people who are addicted to drink take poisonous substances which injure their very lives. Many people have died actually. This also must be prevented.

Lastly, Sir, so far as the medicinal preparations are concerned, I would like the Government to go into the question of exempting the various Ayurveda Asavas. The difficulty there is that if we fix a percentage of alcohol, sometimes they do get beyond this percentage. This is a matter which has to be examined. They must not utilize the preparation for wrog purposes. But genuine preparations certified by registered medical practitioners need not be objected to. We need not insist on licences in such cases. We may allow the Ayurveda and Siddha preparations, which contain some percentage of alcohol. Instead of fixing the percentage, it is better to know the nature of the medicine and have it certified by a medical man. This is a matter of detail which we can settle. There are three things to make Prohibition a complete success. The first is the prevention of illicit distillation. Then there is the prevention of smuggling of liquor from Bangalore and Pondicherry. Lastly, the takking of poisonous drugs by addicts must be prevented. If all these are tackled satisfactorily, and if the Police also discharge their duties properly, I hope and trust that Prohibition will be a complete success. A day will then come when the whole of India will have Prohibition, which will please the soul of the great Father or our Nation who was responsible for our Freedom.

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* SRI P. T. RAJAN : Mr. Chairman, the question of drinking can be considered from constitutional point of view, political point of view, practical point of view and last ideal point of view. From the ideal point of view, I certainly feel that if people can dispense with drinks, surely everyone should wish for that. Whether it is practical or not is a different question. From the constitutional point of view, it may be said that everyone has got a right to do what he wishes provided it does not become a nuisance to others. The man may sit at home and consume bottles of brandy, whisky or other drinks, without being a nuisance to the public and without being a nuisance to his neighbours. So long as he can do that, certainly Government cannot pry into the personal affairs of that man. From the political point of view, Sir, it has been the policy of the Congress to go in for total Prohibition. For some time, moderate drinking (An hon. Member : Temperance !)—thank you for supplying the correct word—temperance was advocated. Later they decided that they must go in for total Prohibition. The question now is whether it is practical to achieve this. We have to consider whether they have secured success in this regard even after ten years of their being in office. Have they secured success at least to some extent? (Sri Mohamed Raza Khan : 90 per cent !). If the hon. Member Sri Mohamed Raza Khan could talk with authority, with facts and figures, I may accept that. But, he is as much a stranger to these statistics as I am. (Laughter.)

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DR. V. K. JOHN : What about Sri Allapichai?

* SRI P. T. RAJAN : Sir, I believe I am not divulging a secret when I say that the Hon. Minister in the course of a talk with me said that he was going to make an earnest attempt at least in one or two districts. To begin with, I believe he made that experiment in his own district. The year is not yet over. Let him try that experiment for one more year and then come to us and say to what extent he has succeeded. If he has really succeeded, we must congratulate him and stand by him and see that the evil is reduced to the minimum. For the present, I must say that illicit distillation has become a cottage industry. Now, our womenfolk also have taken to drink and occasionally children also are given drinks. People who want to become rich quickly have taken to this business in the mufassal. How are we going to deal with this problem? The subordinates, in their enthusiasm, curtail the freedom and liberties of the people. The rights and liberties of the people must be safeguarded. Sometimes, in their enthusiasm to enforce Prohibition, the subordinates take the law into their own hands and do what they like. I believe that even the womenfolk are treated very badly and sometimes beaten too with a view to getting information as to where this illicit distillation takes place. However, if you keep a watchful eye, the womenfolk can be saved from this harassment. After all, I am not for or against drink. I do not make a fetish of it. If a man wants to drink, let him do so by all means. If he should consider it necessary for him,

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why should we stand in the way? I want the Government to take a practical view. Let them take all steps, spend more money and engage more staff. Let them carry out the experiment for a period of two or three years. After that period, let them come to us, and tell us what the result has been. I do not want to prevent them from doing the right thing. If they can keep the people—rich and poor alike—away from drink altogether, it is a good thing. If they cannot do this, what they should do is that they must see that there is no abuse of power and that people do not drink all sorts of foul things, which will tell upon the health of not only the present generation but also the coming generations. That is the only caution I wish to give to the Government. In their attempt to make Prohibition a success, we wish them well. Let them come to us after a year or two. No doubt, in exceptional circumstances the Government have given permits. If they want Prohibition to be a success, let them go ahead. Let them come to us afterwards and tell us whether they have succeeded. If we are satisfied that they have succeeded, we will ask them to go ahead further. Thank you, Sir.

SRI MOHAMED RAZA KHAN: Sir, I want to say a few words. In the usual course, I would have been happy to oblige the Hon. the Home Minister by not speaking on the Bill and agreeing to the motion moved by him without any discussion. But, the hon. the Deputy Leader of the Opposition has thought it right to say something and naturally the hon. Member Mr. Allapichai could not resist saying a few words born out of his conviction. When the hon. Member Mr. Allapichai was speaking, it was quite obvious that he was speaking with a deep conviction. So, I too thought it necessary to say a few words on this occasion. In 1937, Prohibition was introduced for the first time in Madras and Madras gave a lead to the whole of India. As I said, it was born out of sheer conviction. Later in 1946 or so, there was a persistent demand born out of political factors or a sincere desire that the entire State should become dry. Thus, Prohibition was introduced throughout the State which resulted in a loss to the State Exchequer to the extent of Rs. 10 or 12 crores. Apart from the fact that we spend a good deal of money on enforcement, it is now too late in the day to suggest that Prohibition should go. We have had this now for twelve years. May be, there is illicit distillation. But I do not agree with my colleagues that this is the only cottage industry in Madras. This is a cheap joke we have been indulging in for long. The craze for making easy money and lack of employment opportunities, as was pointed out by the Deputy Chairman, might perhaps be responsible for this industry thriving. Whatever it is, our attempts should be in the direction of stricter enforcement. However efficient the enforcement machinery be, 100 per cent success is not possible. I would feel happy even if the success were eighty per cent, and I dare say it is really a success to that extent. The Act has been amended several times in the past and it is only in the last two or three years that we see the

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Police have been very vigilant particularly in the belt areas. Then, Sir, there have been, as was mentioned by the hon. Member Sri P. T. Rajan complaints of excesses committed by the Police. I do feel that it is not possible to prevent them completely. I would only say that attempts were being made to prevent excesses on the part of the Police. Anyway, when this Bill goes before the Joint Select Committee, the Committee will certainly see to it that those provisions which are very rigorous are toned down. As far as the object of the Bill is concerned, I do not think anyone will differ fundamentally. The hon. Member Sri P. T. Rajan also referred to another matter, which again relates to enforcement, and made certain suggestions. I agree with him that apart from our being called upon to consider the Bill in the Joint Select Committee, it would be better if one or two officials who believe in Prohibition are asked to tour the State and find out how the Act works and to suggest ways and means for its effective enforcement. I do not want to take the time of the House to explain how far the reform has been beneficial. Enough if I say that it has come to stay. Our efforts should be in the direction of best enforcement. I had thought that the Hon. the Minister for Home would tell us how the administration of Prohibition had worked after it had been taken over by the Police Department but he did not say whether it had helped or hindered detection of offences. I am sure, when he replies, he will tell us something about this also.

DR. MAHOMED USMAN : I should like to ask whether the right of giving certificates to people who, for health reasons, require alcohol, which is now enjoyed by the practitioners of allopathic medicine is extended to the graduates of Indigenous Medicine.

THE HON. SRI M. BHAKTAVATSALAM : I do not think that medicine is extended to the graduates of Indigenous Medicine.

DR. MAHOMED USMAN : Will the Joint Select Committee consider that aspect also?

THE HON. SRI M. BHAKTAVATSALAM : It is, of course, open to it to consider these questions also.

DR. MAHOMED USMAN : That is why I made the suggestion.

* SRIMATHI MARY C. CLUBWALA JADHAV : Sir, I rise to speak on the Bill in so far as it may relate to children. A previous speaker, Sri P. T. Rajan, spoke about illicit distillation and the exploitation of women and children in the process. In the City of Madras, this business goes on on a large scale and liquor is sold everywhere. I speak with the experience of a magistrate of the juvenile court, when I say that in the last six months, there has been a reduction in the number of juvenile cases pertaining to Prohibition. At one time, nearly 25 per cent of the cases coming before juvenile courts were Prohibition cases. This illicit liquor used to be conveyed in bottles, 'Dalda' tins, kerosene tins and cycle tubes. Of course, there was always someone behind, an adult, and the Police do not book such people exploiting the

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children. Through the children, we generally fine the parents. These parents appear in tatters and rags and are unable to pay the fines imposed by the court. If the children come a second time, they are either put on probation or sent to a certified school. Often the cases are contested in the High Court and sometimes the cases are won also. There must be stricter enforcement of the Act. Otherwise, children will suffer more. In this connexion, I would regretfully point out that the Hon. the Minister for Home is yet to introduce the Children's Bill for which we have been pressing for long. I think that would be introduced soon. About the adults who exploit these poor children, I would request the Committee to take serious notice of it and suggest ways and means to see that they are also brought to book.

Thank you, Sir.

* DR. A. SREENIVASAN : Sir, I am not going to speak in the capacity of a medical practitioner regarding the injurious effects or otherwise of drinking on the human body. Medical opinion seems to be divided on that. Therefore, I am not entering into that point now. But there are people who are under the impression that alcohol produces what is called cirrhosis of the liver—மேகாநாசம் in Tamil. I have seen several people who take a lot of alcohol and who still do not suffer from this disease. On the other hand, I have seen veritable pundits who have not pronounced the word 'alcohol' properly suffering from cirrhosis of the liver. Therefore, in countries where large quantities of alcohol are consumed by the people, cirrhosis of the liver is not at all common.

THE HON. SRI R. VENKATARAMAN : It is a great comfort for the drinker?

THE HON. SRI M. BHAKTAVATSALAM : He knows it better.
(Laughter)

* DR. A. SREENIVASAN : Another important point is, some people say, alcohol is poison to the body. It is not so. On a previous occasion, while speaking on the Governor's Address, I think, I told the House that the body itself, for its own purposes, produces a small quantity of alcohol which has got a biological function, in the absence of which certain reflexes do not work.

SRI K. BALASUBRAMANYA AYYAR : Can't drink potfulls.

* DR. A. SREENIVASAN : I entirely agree with Mr. Balasubramanya Ayyar that it does not mean that we should drink potfulls. What I say is this. Drinking is different from drunkenness. Let my friend, Mr. Balasubramanya Ayyar take four or five tumblers of 'Pal Pavasam' at a stretch. He will start vomiting, even though 'Pal Pavasam' is good. Even if it happens to be Nectar, the stomach will not be able to retain it beyond a certain limit. We are talking much about ordinary people who occasionally take a glass of whisky or brandy or beer. It is not possible for anyone to moralise on things. You can lay down any law you like. Nothing will improve the people. You have intro-

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duced hanging for murder. Have you stopped murder? You may put people in prison; yet, you will not be able to stop murder. Human nature being what it is, it is impossible to convince man that he must do this or that, unless the realisation comes from within. He has to realise which is good and which is bad.

THE HON. SRI M. BHAKTAVATSALAM: I would like to know whether the hon. Member suggests the repealing of the Indian Penal Code? (Laughter.)

* DR. A. SREENIVASAN: I do not say that. I say this on analogy. Hanging must not be stopped. What I am saying is whether to stop hanging or not is for the jurists and the Government to decide.

We are talking to-day about Prohibition. Prohibition has been introduced in Madras State. There are other States where it has not been introduced. Take, for instance, West Bengal. In West Bengal, there is a Congress Government as good as in Madras. There is no Prohibition there. But in Madras you have introduced Prohibition. It is because, Sir, there are some faddists here. It was introduced in the Salem district itself. What has happened in the Salem district? The largest amount of drinking has taken place.

The other day my friend, a District Magistrate, made some observation about drunkenness. Because of the introduction of Prohibition, there is illicit distillation on a large scale, even in the very Salem district, where it was introduced at first.

Sir, as a student of psychology, I want to tell the Government very effectively—with all the force at my command—that it is not possible for any human to inflict opinion on another. He can never be reformed. The reform, whether it is good or bad, should come from within him. The man must be self-reliant. He must have introspection and understanding of the man in this society. Therefore, to say that I will introduce Prohibition overnight is just like a rabbit being produced out of a hat. It is not possible.

Then, Sir, regarding the remark of the hon. Member Sri Balasubramanya Ayyar that Harijans are very well off after the introduction of Prohibition, I want to tell you how they are economically better off. Previously a man had to pay ten annas for a pot of toddy. Now, he himself manufactures it. There economy comes in. He drinks it and also sells it to others, to his neighbours. I am also conducting research on liquor. Perhaps, I may tell the Hon. Minister privately about it.

The other day the Leader of the House said how illicit distillation had grown largely, in the case of gardeners. Gardeners were really engaged in illicit distillation. I had a gardener. I was paying him thirty rupees a month. One day he suddenly disappeared. One day I caught him and when I asked him why he disappeared, he said, "Sir, you pay me Rs. 30 per month. If I invest Rs. 5 in illicit distillation, I make Rs. 30 a day out of it".

SRI K. BALASUBRAMANYA AYYAR: Perhaps, your gardener took inspiration from you? (Laughter.)

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* DR. A. SREENIVASAN : He is a wiser man, wiser than all of us here.

Another important matter to which the hon. Member Sri Mohamed Raza Khan referred is labour. There is difficulty in getting labour, Sir. I am talking with the utmost sense of responsibility when I say that it is difficult to get agricultural labourers now. I know of a friend who has got land about thirty miles away from Madras. His paddy is ripe. He has not got enough of people for harvesting the paddy. The reason is that most of the labourers who were hired by him have taken to illicit distillation. That is the point. I am not saying this for argument's sake. I think nobody can charge me with any such thing. Only when I am fully convinced, I talk. It is my duty to say what I feel before this House. There is no use of having blinkers. It is better not to have blinkers. You should not talk like school teachers preaching precepts. We will have to talk like practical men when we consider whether Prohibition has been a success. I say Prohibition has not been a success. Illicit is going on on a large scale. But you still say that Prohibition is a success.

Then, again, Sir, when other States in India do not enforce Prohibition, I cannot understand why in Madras, they must be so very vehement about its enforcement. The Hon. Minister is under the impression that it is a success and that he will be able to stop illicit distillation. Let us wait for two years and see and I hope the Hon. the Home Minister will also continue in office then.

When you say that Prohibition is a success, you must look at it from a practical point of view. By saying "honesty is the best policy", nothing will be served. You may simply write it and lick it up. The hon. Member Sri Balasubramanya Ayyar is a faddist. We have somayagam. Sir, from time immemorial this drink has been there. Even the so-called Hinduism has allowed it. I would, therefore, suggest that instead of Prohibition, we can have a sort of ration for this liquor.

* SRI A. M. ALLAPICHAJ : It is not practical.

* DR. A. SREENIVASAN : Sir, I want to point out one thing. Whatever may be the amendment that is introduced during the (Joint) Select Committee stage, it is better that you have a practical approach to the whole thing and that you take into consideration only human weakness. You have got certain views about it and you do not want to be practical men. If you ask a man why he does a thing, he will only continue to do it. So, it is better not to tell him, but to leave him as he is.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Chairman, Sir, when I expressed the hope that there would be no difference of opinion expressed on the main features of this Bill, I did not imagine that there were Members who belonged still to the old age.

DR. A. SREENIVASAN : We are old, Sir.

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* THE HON. SRI M. BHAKTAVATSALAM : Sir, among the two hon. Doctor Members who participated in the discussion, one hon. Member is most modern in law and I know that the other hon. Member is most modern in medicine. But the very same hon. Member who is so modern in medicine not only belongs to the old age, but goes far back to the Vedic age with reference to this question of Prohibition. But, I would like to point out, Sir, that so far as this State is concerned, Prohibition has been in force for some years. It has come to stay. I would also like to point out to the hon. Member, Sir, that Prohibition is one of the directive principles of State policy enshrined in the Constitution which is in force in this country to which we have sworn allegiance. Not that I make any constitutional point over it regarding Members who expressed their objection to Prohibition.

DR. A. SREENIVASAN : What about other States which have not introduced Prohibition in spite of the Constitution?

* THE HON. SRI M. BHAKTAVATSALAM : There is a difference between those States and this State. No State which has enforced it dare repeal it so long as the provision in the Constitution is there. Therefore, Sir, I can say that since the introduction of Prohibition—whatever may be the imperfect manner in which Prohibition is being enforced—crimes have been considerably reduced and we do not see street brawls everyday and particularly on Deepavali and Pongal days. On the other hand, it is said that in one of the most advanced countries in Europe, crime has been on the increase, and it is partly attributed to excessive drinking. I myself was a victim to that when I was in the capital of that country just about 1½ years ago. A person started misbehaving with me when I was about to get into the car. I thought that he was a lunatic but I was told by my local friends there that he had drunk too much. 5.50 p.m.

Sir, I do not understand the arguments of hon. Members who talk of preventing excessive drinking and restoring to temperate drinking. Hon. Members would have noticed and read in the newspapers that Mr. Khrushchev, Secretary of the Communist Party of the Soviet Union and the man of Russia, expressed his concern about excessive drinking in Russia. In spite of the iron rule that is being carried on by the Communist Party there, they cannot avoid excessive drinking. So, he does not like excessive drinking and he is worried over the possible effects on his country on account of this excessive drinking. Therefore, if we agree that drinking is bad, there is no meaning in attempting temperate drinking. Temperate drinking has been attempted in this very State.

Then, Sir, I do not seek to present any accurate statistics but I have no doubt that on modest estimate, 75 per cent of the people who used to drink before the introduction of Prohibition are now free from the drinking habit. There may be only 25 per cent of the people still resorting to illicit distillation and illicit manufacture of liquor. But we do see only illicit things. Now, in this

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whole House two hon. Members expressed their serious objection to the policy of Prohibition. The hon. Member Dr. Sreenivasan referred to the capital sentence provided for in the Indian Penal Code and murders taking place still. That is entirely an argument in favour of the Prohibition policy which should be continued in spite of illicit drinking and illicit manufacture of liquor. The capital punishment is there and it has not been taken out of the Indian Penal Code. I can say from my own experience that when a person commits murder, he goes to the sessions court which sentences him to death. Then, he goes to the High Court and the Supreme Court. If he fails in the courts also, he then goes to the Government. Of course, what the Government would do is quite different. This only shows that he does not like being hanged and that he is terribly afraid of the capital sentence. But still murders take place. If we remove capital sentence, then there will be more murders. I was one of those who thought that capital sentence was rather primitive and that it should go from the statute-book. But now I have no doubt that but for this provision of capital sentence, there would have been several more murders in the country.

DR. V. K. JOHN : Why do not the Government prevent smoking and meat-eating also?

* THE HON. SRI M. BHAKTAVATSALAM : We do not consider them as such evils.

Now, the Police are in charge of enforcement of Prohibition and I have no doubt that that is the best machinery that we can think of. We have to tighten it and the hon. Member Mr. P. T. Rajan referred to certain experiments that were being conducted in tightening the enforcement of Prohibition. Sir, so far as Madras City and the Chingleput district are concerned, on a modest estimate I could claim that the number of incidents as compared to what happened before this drive was launched upon has been reduced by 75 per cent. I have no doubt about it. This drive is not confined to Madras and Chingleput district only but it is also undertaken in other districts by the Police without any additional expenditure. Incidents are coming down in various districts according to conditions prevailing in each district. In some districts they have been reduced by 60 or 70 per cent. In some other districts they have been reduced by 50 per cent and yet in some other districts the reduction may not be 50 per cent. But we see the effect of this drive. If we can only mobilize more public opinion, we have no doubt that we could still further reduce such incidents of illicit distillation and drinking. I have no doubt that although two hon. Members spoke very seriously and vehemently (Interruption)—there is no question of intellectual dishonesty—people who will read the reports of their speeches will not take them seriously. There is an atmosphere for Prohibition. There is moral support for Prohibition. There is public support for Prohibition. Only we have to mobilize more of the active participation and co-operation of the public in the stricter enforcement of Prohibition and it is for that

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purpose that I have come before this House with this Bill which contains certain provisions which would enable the authorities to have stricter enforcement of Prohibition. Therefore, I do hope that this motion will be accepted by the House.

MR. CHAIRMAN : The question is—

“ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Madras Prohibition (Amendment) Bill, 1958 (L.A. Bill No. 2 of 1958) and that the following Members of this House be selected to serve on such a Joint Select Committee :—

- 1 Dr. V. K. John.
- 2 Sri Mohamed Raza Khan.
- 3 Sri John Asirvatham.
- 4 Sri K. V. Ramaswamy.
- 5 Srimathi Jothi Venkatachellum.
- 6 Srimathi Saraswathy Pandurangam.
- 7 Sri A. Subramanyam.
- 8 Sri M. Ethirajalu.

The motion was put and carried.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Saturday, the 1st March 1958.

The House then adjourned.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 78. *Notification issued with G.O. Ms. No. 3842, Industries, Labour and Co-operation, dated 21st November 1957, regarding amendment to the Madras Factories Rules, 1950.*

79. *Notification issued with G.O. No. 4410, Revenue, dated 27th November 1957, regarding amendments to the Rules framed under the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923).*

80. *Review of activities of the Government Museum at Madras and Pudukkottai and the National Art Gallery, Madras, for the first half-year of 1957–58.*

81. *Answer to Legislative Assembly Starred Question No. 304 asked by Sri V. K. Kothandaraman, M.L.A.*

* Laid on the table of the house on the 14th February 1958.